

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

WARREN SPANNAUS
ATTORNEY GENERAL

June 22, 1982

ADDRESS REPLY TO:
ATTORNEY GENERAL'S OFFICE
POLLUTION CONTROL DIVISION
1935 WEST COUNTY ROAD B-2
ROSEVILLE, MN 55113
TELEPHONE: (612) 296-7342

- Edward J. Schwartzbauer
Dorsey & Whitney
2200 First Bank Place East
Minneapolis, MN 55402
- Re: U.S. v. Reilly Tar & Chemical Corp.
File No. Civ. 4-80-469


Dear Ed:

The State's contractor working on well W23 at the former Reilly Tar site has recovered substantial quantities of tar-like waste from the well. As you know, samples have been taken for analysis by the State and by consultants to Reilly Tar. Work on the well is continuing and the waste material is being stored in 55-gallon drums in a secured area adjacent to the well.

The Pollution Control Agency and the U.S. Environmental Protection Agency view Reilly Tar as responsible for disposal of this waste. Would you please advise me by July 8, with a copy to EPA attorney Robert E. Leininger, what arrangements Reilly Tar is prepared to make for disposal of this waste. Mr. Leininger's address is Enforcement, Environmental Protection Agency - Region V, 230 S. Dearborn Street, Chicago, Illinois, 60604.

Enclosed please find a copy of a "Notification of Hazardous Waste Activity" recently submitted by the MPCA to the EPA in regard to the work on well W23.

Very truly yours,


STEPHEN SHAKMAN
Special Assistant
Attorney General

SS:mah

Enc.

cc: Erica Dolgin
Francis X. Hermann
Robert E. Leininger
Mike Hansel

U.S. ENVIRONMENTAL PROTECTION AGENCY

NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTALLATION'S EPA I.D. NO.

I. NAME OF INSTALLATION

II. INSTALLATION MAILING ADDRESS

III. LOCATION OF INSTALLATION

PLEASE PLACE LABEL IN THIS SPACE

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law (Section 3010 of the Resource Conservation and Recovery Act).

FOR OFFICIAL USE ONLY

COMMENTS

15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
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INSTALLATION'S EPA I.D. NUMBER

APPROVED

DATE RECEIVED
(yr., mo., & day)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
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I. NAME OF INSTALLATION

MINNESOTA POLLUTION CONTROL AGENCY

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX

31935 WEST COUNTY ROAD B2

CITY OR TOWN

ST.

ZIP CODE

4 ROSEVILLE MN 55113

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER

5 LOUISIANA AVE AND WALKER ST

CITY OR TOWN

ST.

ZIP CODE

6 ST LOUIS PARK MN 55416

IV. INSTALLATION CONTACT

NAME AND TITLE (last, first, & job title)

PHONE NO. (area code & no.)

2 RICHARD R FERGUSON 612-297-2726

V. OWNERSHIP

A. NAME OF INSTALLATION'S LEGAL OWNER

8 ST LOUIS PARK HOUSING AND REDEV AUTH

B. TYPE OF OWNERSHIP
(enter the appropriate letter into box)

VI. TYPE OF HAZARDOUS WASTE ACTIVITY (enter "X" in the appropriate box(es))

F = FEDERAL
M = NON-FEDERAL

M

☒ A. GENERATION☐ B. TRANSPORTATION (complete item VII)☐ C. TREAT/STORE/DISPOSE☐ D. UNDERGROUND INJECTION

VII. MODE OF TRANSPORTATION (transporters only - enter "X" in the appropriate box(es))

☐ A. AIR☐ B. RAIL☐ C. HIGHWAY☐ D. WATER☐ E. OTHER (specify):

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

☐ A. FIRST NOTIFICATION☐ B. SUBSEQUENT NOTIFICATION (complete item C)

C. INSTALLATION'S EPA I.D. NO.

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

IX. DESCRIPTION OF HAZARDOUS WASTES (continued from front)

A. HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from non-specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
7	8	9	10	11	12
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

B. HAZARDOUS WASTES FROM SPECIFIC SOURCES. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13	14	15	16	17	18
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
19	20	21	22	23	24
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
25	26	27	28	29	30
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31	32	33	34	35	36
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
37	38	39	40	41	42
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26
43	44	45	46	47	48
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

D. LISTED INFECTIOUS WASTES. Enter the four-digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinary hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54
23 - 26	23 - 26	23 - 26	23 - 26	23 - 26	23 - 26

E. CHARACTERISTICS OF NON-LISTED HAZARDOUS WASTES. Mark "X" in the boxes corresponding to the characteristics of non-listed hazardous wastes your installation handles. (See 40 CFR Parts 261.21 - 261.24.)

see attached explanation

☐ 1. IGNITABLE
(D001)

☐ 2. CORROSIVE
(D002)

☐ 3. REACTIVE
(D003)

☒ 4. TOXIC
(D000)

X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE

Louis J. Breimhurst

NAME & OFFICIAL TITLE (type or print)

Louis J. Breimhurst
Executive Director, MPCA

DATE SIGNED

6/4/82

Explanation to Part IX of the Notification of
Hazardous Waste Activity Form

A well which may be plugged with coal tar or coal tar derivatives is to be investigated by a contractor to the Minnesota Pollution Control Agency (MPCA). The well was previously used for industrial purposes by the Reilly Tar and Chemical Company. Reilly Tar has rejected requests from the MPCA and EPA to clean out the well at its expense, and is currently the subject of legal actions brought by Minnesota and the United States under §7003 of RCRA (43 U.S.C. §9603), §§106-107 of CERCLA (42 U.S.C. §§9607-07), and other laws. Coal tar, creosote, phenol, and numerous other chemicals believed to be in coal tar and coal tar derivatives discharged by Reilly Tar are classified as toxic hazardous constituents in 40 C.F.R. Part 261, Appendix VIII. When the material plugging the well is removed, analysis will be performed to characterize the material. If it must be handled as a hazardous waste, demand will be made on Reilly Tar to dispose of the material in accordance with RCRA regulations. If Reilly Tar is unwilling to assume responsibility for the material, the MPCA will accept responsibility as the generator for purposes of these regulations.